

Report of the Four Power Working Group  
London, April 13-23, 1959.

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In fulfillment of the directions given to them by the four Ministers in Washington on April 1, the Working Group has prepared:

1. a. A revision of the "Phased Plan for German Reunification and European Security and a German Peace Settlement",  
b. Preliminary Draft Principles of a Peace Treaty,
2. Proposals on Berlin,
3. A paper on Tactics at a Foreign Ministers' Conference,
4. A statement to the North Atlantic Council.

While the Working Group has reached a large identity of view, there are nevertheless certain questions in the attached papers on which an agreed direction must now be sought from Ministers.

1. Security and Disarmament

(a) In what terms should the connection be expressed between general disarmament on the one hand and European security and German reunification on the other hand? In particular, can a measure of general disarmament (over all force levels and arms reduction for the Four Powers) be introduced into the plan? Alternatively, should the plan provide for a parallel negotiation about general disarmament?

(b) Should provisions which are stated in general terms for measures against surprise attack allow for an alternative proposal limited to Europe and also for a specific proposal for ground inspection limited to a small area in Europe?

(c) Should a specific formula, for instance by reference to the Paris Agreements, or general language be used for limiting the strength of indigenous military forces in a defined area in Europe?

(d) Should a prohibition against the stationing of I.B.R.M.s in a defined area in Europe be included?

(e) Should Hungary be included in the area in Europe in which special security measures would be applied?

(f) Can and should the area in Europe in which special security measures would be applied be identified in other than political terms?

2. Berlin

(a) What Berlin proposals should be made within the 'phased plan'?

(b) In considering secondary solutions, i.e. solutions apart from the 'phased plan', could the Western Powers accept anything beyond the 'agency theory'? Specifically, could they proceed from solution C in the Berlin paper to Solution D (Soviet G.D.R. declarations?)

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(c) Can a G.D.R. declaration of the type included in the final fallback proposal on Berlin be envisaged without moving too far in the direction of the recognition of the G.D.R.? If so, can the western powers take the initiative with the Soviets in obtaining this, or should this initiative suggesting such a G.D.R. declaration be left to the Soviet Union?

(d) What measures of United Nations participation, if any, can the Western Powers contemplate? Should the United Nations role include United Nations personnel to determine whether the declaration concerning free access and non-use of force are being fulfilled?

3. Tactics

(a) Should the Western Powers give any publicity to the "phased plan" prior to the May 11 meeting?

(b) Should the Western Powers introduce the "phased plan" (or an indication of it) at the outset or should they hold it in reserve until they have been able, to some extent, to probe the Soviet position?

(c) If (a) has not been done, should the "phased plan" be publicised, either textually or in summary, when it is introduced?

(d) Should the Western Powers fully explore the "phased plan" with the Soviets and decide on its final disposition before any separate discussion of Berlin? Or should they seek to have the Berlin question discussed before entering into a discussion of the phased plan?

(e) Should the Western Powers oppose any discussion of the Peace Treaty principles, permit only extremely limited discussion, or be prepared for a detailed discussion?

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By AK DATE 1-9-77

THE OUTLINE OF A PHASED PLAN  
FOR GERMAN REUNIFICATION, EUROPEAN SECURITY  
AND A GERMAN PEACE SETTLEMENT

The Governments of France, the United Kingdom and the United States of America are convinced of the urgent need for a settlement of the German problem. They desire to seek, in such a settlement, progressive solutions which would bring about German reunification and security in Europe. Moreover they believe that progress on each of the problems of general disarmament, European security and a political settlement in Europe affects the degree of progress possible in the solution of each of the other problems.

They accordingly propose to the Government of the Union of Soviet Socialist Republics an agreement between the Four Governments which would include the measures outlined below relating to a general settlement of the problems at issue. The measures envisaged are closely interrelated and the present proposals are therefore to be regarded as an inseparable whole. They would come into effect progressively at the stages indicated.

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STAGE I

Reunification

1. The Four Powers would establish a quadripartite commission to supervise the implementation of the agreement and to settle any disputes which might arise before the conclusion of a peace settlement with a reunified Germany.

Security

2. The Four Powers would establish suitable arrangements for consultation among the parties to implement the security measures provided for in the agreements.

3. In a common declaration, with which other interested European states would be invited to associate themselves, they would undertake to:

(a) settle, by peaceful means, any international dispute in which they may be involved with any other party;

(b) refrain from the use of force in any manner inconsistent with the purposes of the Charter of the United Nations;

(c) withhold assistance, military or economic, to an aggressor.

4. ~~In~~ In order to facilitate further the solution of political problems and the improvement of international relations, the Four Powers would, in an appropriate forum, initiate discussion of possible staged and controlled comprehensive disarmament measures. ~~(British reservation).~~

5. ~~They~~ They would state that they are not stationing Intermediate Range Ballistic Missiles in Germany, Poland, Czechoslovakia\* ~~(British proposal).~~

6. The Four Powers would arrange discussions to develop procedures for exchanging information in Stage II on military forces in all Germany, Poland and Czechoslovakia.

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♣ The U.S. does not regard this provision as an alternative to the proposals for over-all force level and armaments reductions by the Four Powers.

\* (i) The Group consider that Hungary might be added to this list of countries wherever it occurs in the Plan.

(ii) The German delegation reserves its position on use throughout the "Phased Plan" of political boundaries to indicate the limits of areas involving security measures in Europe.

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STAGE II

Reunification

6. Bearing in mind the complex issues involved in reunification, a transitional period would be agreed. The Four Powers would set up a Mixed German Committee.

20 7. The Mixed Committee would, in accordance with the proportion of the respective populations, consist of ~~15~~ <sup>10</sup> ~~representatives of the Federal Republic of Germany and~~ <sup>5</sup> ~~representatives of that part of Germany termed the German Democratic Republic by the Soviet Government.~~ These representatives would be appointed by the Federal Government and the authorities of the so-called German Democratic Republic respectively. ~~They would not exercise any other public function during the period of their membership.~~

8. The Mixed Committee would take its decisions by a majority of ~~4/6~~ <sup>3/4</sup> votes.

9. The Mixed Committee would be entrusted with the task of formulating proposals:

- (a) to coordinate and expand technical contact between the two parts of Germany;
- (b) to ensure the free movement of persons, ideas, and publications between the two parts of Germany;
- (c) to ensure and guarantee human rights in both parts of Germany;
- (d) for a draft law providing for general, free and secret, elections under independent supervision.

10. The Mixed Committee would transmit any proposals made by it under sub-paragraphs (a) to (c) of paragraph 9 above to the appropriate authorities in both parts of Germany. <sup>/</sup> If these authorities raised no objection within four weeks to any proposal so transmitted, it could be carried out by the appropriate German authorities in both parts of Germany.

11. (a) Any agreed proposal for an electoral law in accordance with sub-paragraph (d) of paragraph 9 above would be submitted to a plebiscite in both parts of Germany.

(b) If within one year no such draft law had been formulated by the Committee, the group of representatives from the Federal Republic on the one hand and the group of representatives from the so-called German Democratic Republic on the other would each formulate a draft law approved by a majority of its members. These two draft laws would then be submitted to a plebiscite as alternatives. The electoral area for each draft law would consist of both parts of Germany.

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Poland , Czechoslovakia (British proposal).

17. Upon establishment of an effective inspection system the prohibition of the manufacture of chemical, biological and nuclear weapons, now accepted by the Federal Republic, would be extended to cover all of Germany, Poland, and Czechoslovakia (and possibly Hungary).

18. [Upon the establishment of an effective inspection system, the Four Powers would assume an obligation not to station within all of Germany, Poland, Czechoslovakia Intermediate Range Ballistic Missiles./ (British proposal)

19. Inspection systems would be worked out for ensuring compliance with the appropriate security measures envisaged in Stage III.

Reference to Berlin in "Phased plan".

9. The Working Group considers that some reference to Berlin should be made in conjunction with the "Phased plan". On the other hand there is some danger in including proposals regarding Berlin in the "Phased plan" itself because, if the plan is rejected as a whole and an interim Berlin solution has to be negotiated separately, the Soviet Government may conclude that items other than Berlin can also be extracted from the "package" for separate consideration. The Working Group therefore recommends that a statement on Berlin should be made at the time when the opening Western position is set out.

10. As regards the proposal itself, it would be logical to suggest that, since the "Phased plan" envisages the reunification of Germany in less than three years and the consequent restoration of Berlin as the capital of a reunified Germany, the Four Powers should simply agree that during the interim period they will not alter the existing arrangements regarding Berlin and access thereto. The Working Group considers, however, that such an attitude could possibly be regarded as not sufficiently positive by Western public opinion.

11. Two alternative proposals have been put forward:

- (a) Free elections throughout the whole of Berlin under United Nations supervision coupled with a plebiscite to decide whether, and if so which, foreign troops should remain in Berlin to guarantee its new status; also the removal of the D.D.R. capital from East Berlin.
- (b) The maintenance of existing arrangements coupled with an offer to negotiate agreements with the Soviet Government regarding refugees (freedom of movement and abstention from improper activities), inflammatory propaganda activities in Berlin and levels of forces in Berlin.

12. The Working Group was unable to choose between these two proposals. In favour of (a) it is argued that the proposals are different in character from those suggested for an interim settlement, that a counter-proposal to the Soviet proposal for a "free city" of West Berlin ought to be made and that the proposal suggested clearly demonstrates the Western concept of the way in which the present arrangements in Berlin could be altered in harmony with Four Power responsibility for all Germany. The main argument advanced against (a) is that Western public opinion may regard it as an unrealistic proposal in that the Soviet Government could not possibly be expected to accept it as a basis for serious negotiation. In favour of (b) it is argued that it might be well received by Western public opinion in that, while consistent with the Western view that the Berlin problem can only be solved in the context of German reunification, it nevertheless offers the Soviet Government some agreement on specific points about which it has complained. An argument against (b) is that these concessions ought to be reserved for the final fall-back position if they are to achieve the maximum effect.

/RECOMMENDATIONS

## VIII

Germany should recognise the validity of the treaties of peace with Bulgaria, Roumania, Hungary, Italy and Finland. It should recognise the prohibition of anschluss with Austria and the sovereignty and independence of Austria.

## IX

The signatories should agree to support Germany for United Nations membership.

Pending admission to the United Nations, Germany should agree to conform to the principles of the Charter of the United Nations. The signatories should recognise that Germany possesses the inherent right of individual or collective self-defence referred to in Article 51 of the Charter.

## X

## PROPOSAL A - (German, United States)

Germany should be free to decide which political and military agreements of the Federal Republic and the "D.D.R." it wishes to terminate. Arrangements should be made concerning all other agreements with a view to keeping as many as possible in force.

## PROPOSAL B - (British, French)

The all-German Government shall have authority to assume or reject the international rights and obligations of the Federal Republic and the "D.D.R." and to conclude such other international agreements as it may wish.

(The following five financial clauses are United States proposals which will be excluded if the introductory language is acceptable.)

## XI

An appropriate waiver of claims by Germany against the Allied and Associated States and its nationals should be obtained.

## XII

Provision should be made for the return of property in Germany of United Nations nationals where this has not already been done.

## XIII

Reparations should be renounced and waived to the extent such claims have not been satisfied

## XIV

The German government should undertake a responsibility for persecuted claims at least as favourable as has the Federal Republic.

## XV

Legitimate financial obligations arising in German territory transferred under the treaty should be recognised.

### STAGE III

#### Reunification

20. Not later than two and a half years after the signature of the agreement elections for an all-German Assembly would be held in both parts of Germany under the terms of the electoral law drafted by German delegates, approved by the Four Powers and adopted by the German people in a plebiscite (in accordance with the provisions in Stage II above).

21. The elections would be supervised by a supervisory commission and supervisory teams throughout all of Germany. The commission and teams would be composed of either (a) United Nations personnel and representatives of both parts of Germany, or (b) representatives of the Four Powers and representatives of both parts of Germany.

22. The all-German Assembly would have the task of drafting an all-German constitution. It would exercise such powers as are necessary to establish and secure a liberal, democratic and federative system.

23. As soon as an all-German Government has been formed on the basis of the above mentioned constitution it would replace the governments of the Federal Republic and the so-called German Democratic Republic and would have the following powers and responsibilities:

- (a) full freedom of decision in regard to internal and external affairs, subject to the rights retained by the Four Powers as stipulated in paragraph 24 below;
- (b) responsibility for negotiating, as soon as possible after its establishment, an all-German Peace Treaty.

*in the interim  
negotiations  
peace settlement*

24. Pending the signature of a Peace Treaty with an all-German Government formed on the basis of the all-German constitution, the Four Powers would retain the right to exercise with respect to the provisional all-German Government only those of their rights which relate to the stationing of armed forces in Germany, the protection of their security, Berlin and the peace settlement.

#### Security

25. Implementation of the following security provisions would be dependent upon the establishment of effective control and inspection systems to assure verification and the agreement, where appropriate, of the all-German Government to the security measures called for in Stage III.

26. Upon the establishment of an all-German Government, /and at the same time, as agreement is reached in accordance with Paragraph 27 below on over-all ceilings/ (French reservation) the U.S. U.K. France and the U.S.S.R. would also agree that in the territories of a reunified Germany, Poland, Czechoslovakia, an agreed balance would be established between the non-indigenous forces of both sides, on condition that after conclusion of the Peace Treaty no party would station forces in any country in that zone without the consent of the country involved and upon the request of that country would withdraw its forces within a stated period and would undertake the obligation not to send forces to that country again without the consent of its government.

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27. Upon the establishment of the all-German Government, agreed ceilings for the total forces of a reunified Germany and the total forces of Poland and Czechoslovakia would be put into effect. The ceilings of the forces of a reunified Germany would be of the kind provided for in Protocol No. II of the Paris Accords of October 23, 1954 concerning the limitation of forces of the Federal Republic/ (French proposal).

28. Should the all-German Government decide to adhere to any collective security pact:

- (a) there might be special measures relating to the disposition of military forces and installations in the area which lies closest to the frontiers between a reunited Germany and countries which are members of another security pact;
- (b) the Four Powers would be prepared to join with other parties to European security arrangements in additional mutual obligations, covering especially the obligation to react against aggression;
- (c) the Four Powers would be prepared to join with other parties to European security arrangements herein described in giving an assurance that they would not advance their forces beyond the former line of demarcation between the two parts of Germany.

29. Providing that the limitations and conditions set forth on armed forces and armaments in Stage II are met, the Four Powers would further limit their armed forces to the following levels: France, 700,000; U.K. 700,000; U.S. 2,100,000; and U.S.S.R. 2,100,000. Reductions in the armed forces and armaments of other essential states to agreed levels would take place at the same time in accordance with paragraph 15 of Stage II:

30. After verified compliance with the above limitations, and subject to the same conditions, negotiations would be undertaken on further limitations to not less than: France, 650,000; U.K. 650,000; U.S. 1,700,000; and U.S.S.R. 1,700,000. The levels of other essential states would be specified at the same time through negotiations with them. (French reservation).

31. The measures provided for above would be harmonised with general disarmament plans so as to be included in a general framework. (French proposal).

32. All of the security measures of the "Phased Plan" would continue in force as long as the control system is operative and effective and the security provisions are being fulfilled and observed.

STAGE IV

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Since a final Peace Settlement can only be concluded with a Government representing all Germany, it should be concluded at this stage. The Settlement should be open to signature by all states, or the successors thereof, which were at war with Germany.\* The Settlement should enter into force when ratified by the Four Powers and by Germany.

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\* The exact formulation of this point is still under legal consideration.

PRELIMINARY DRAFT PRINCIPLES OF A GERMAN PEACESETTLEMENT

(The following list sets forth those principles which are of major political importance in the formulation of a German peace settlement. The list is not intended to be an inclusive statement of the provisions which would be contained in a treaty embodying such a peace settlement.)

## I

The peace settlement should be freely negotiated with and signed by an all-German Government.

## II

## PROPOSAL A - (United States)

Preliminary negotiations respecting the peace settlement should be carried on by the Four Powers and an all-German Government. The text of the settlement should be negotiated by a reasonably small group of states, preferably those which carried the principal burden of the war against Germany. A conference should be held thereafter in which all states which were at war with Germany might participate.

## PROPOSAL B - (French, British)

The all-German Government should open with the Four Powers preliminary negotiations for the peace settlement. The signatories to the settlement should include all States, or the successors thereof, which were at war with Germany. The settlement should come into force when ratified by the Four Powers and by Germany.

## PROPOSAL C - (German) Delete this principle.

## III

The settlement should recognise German sovereignty over the whole Germany territory and the principle of self-determination.

## IV

The boundaries of Germany should be established in the settlement on the basis of solutions acceptable to the states directly concerned - Germany. Germany should renounce all claim to territory outside her boundaries as established.

## V

The signatories should pledge themselves to respect Germany's sovereignty and territorial integrity.

## VI

The Peace Settlement should include provisions on the protection of basic human rights in Germany.

## VII

Security provisions should be such as those proposed in the Phased Plan for German reunification and European security.

## BERLIN

The Western aim is to maintain the presence of Western troops in Berlin and to ensure continued freedom of access to West Berlin without recognizing the D.D.R. as a state or its authorities as a Government.

### Western position

2. The right of the Three Western Powers to be in West Berlin derives from the unconditional surrender of Germany in 1945. The unconditional surrender was followed by the assumption of responsibility throughout all of Germany by the Four Powers "in the interests of the United Nations" (paragraph 4 of the Joint Declaration of June 5, 1945). The responsibility so assumed remains until the final status of the whole of Germany has been determined (paragraph 6 of the same declaration). The preamble to the Declaration shows that the Four Powers became temporary "trustees" of the German people. The right of free access to Berlin is implicit in the right to occupy Berlin. The agreements of 1944 and 1945 (which the Soviet Government explicitly declared to be "null and void" in its Note of November 27, 1958, as well as certain other agreements, merely define the areas and the manner in which these unqualified rights will be exercised.

### Soviet position

3. The Soviet Government has been unable to refute the Western legal arguments. After the Western Powers had pointed out in their Notes of December 31 that the Soviet Government had no right unilaterally to denounce quadripartite agreements the Soviet Government modified its attitude and subsequently argued that Allied rights in Berlin would automatically be extinguished if the Soviet Government signed a Peace Treaty with the "German Democratic Republic". This argument is, from the juridical standpoint, equally unconvincing since the rights and obligations of the Western Powers, which do not derive from the Soviet Government, cannot be extinguished by a unilateral act of that Government. Moreover, any such act would tend to perpetuate the division of Germany contrary to the responsibilities assumed by the Four Powers in 1945 and reaffirmed in 1955.

4. The Soviet Government can, however, advance two arguments, which may have a certain appeal to public opinion, as to why the present status of Berlin ought to be altered. The first argument is that any arrangement based on rights and obligations assumed in 1945, and in totally different circumstances to those now existing, must be regarded as being prima facie out of date and therefore needing modification to conform with present conditions. The second argument is that the Western Powers cannot reasonably expect the Soviet Government to continue to be an occupying power if it does not wish to be so.

### Western counter-arguments

5. The answer to the first argument is that however outdated the present situation in Berlin may appear to be to the Soviet Government, the Three Western Powers are fully entitled to insist that the rights and obligations assumed in 1945 remain valid so long as the status of Berlin has not been modified by an agreement between the Four Powers. The principle of "rebus sic stantibus" has never been recognised as an unconditionally valid principle of international law. Moreover, it was abundantly

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clear in 1945 that the final settlement would not be made until a unified German State had been reconstructed. The fact that the status of Berlin has not yet been settled is not the fault of the Western Powers but of the Soviet Government which has blocked all attempts to restore Berlin to its rightful status as the capital of a reunified Germany. The answer to the second argument is that the Soviet Government can unilaterally decline to exercise its rights but that it cannot unilaterally divest itself of its obligations and Soviet abandonment of their occupation rights would, by putting an end to the limitations contained in the 1944-45 agreements with the Soviet Union upon the exercise of occupation rights by the Western Powers, permit those powers to exercise such rights in the areas abandoned by the Soviet Union. The fact remains, however, that both arguments have some appeal of considered from the non-judicial and "common sense" aspect, and especially among uninformed opinion. The appeal of these arguments would increase substantially as soon as it appeared likely that a major crisis was imminent. The question therefore arises whether anything can be done to counter the popular appeal of these arguments.

#### Soviet proposals

6. The nearest the Soviet Government has so far come towards accepting the continued presence of Western troops in Berlin is in Mr. Khrushchev's suggestion that token forces of the Four Occupying Powers (of which Soviet troops would number one quarter) should be stationed in West Berlin, and that there could be a D.D.R. declaration guaranteeing Western access with which the Four Powers might in some way associate themselves. The basic objections to the first part of this proposal are (a) that there is no reason why the Soviet Government, having surrendered its sector of Berlin to the D.D.R. should be permitted to take part in the occupation of the Western Sectors, and (b) that there is no reason to suppose that the Soviet Government would not sabotage the administration of Greater Berlin.

#### Working Group conclusions

7. The Working Group has concluded that the present basis of our right to be in Berlin ought to be maintained partly because that right is unqualified and partly because the Soviet Government might subsequently denounce or modify any new quadripartite agreement on the grounds either that circumstances had changed or that it was not being properly observed by the Western Powers. It would appear desirable, however, in our public announcements, to emphasise the trustee nature of our presence in Berlin and our obligations to protect the freedom of the population of West Berlin. This does not mean, however, that the Western Powers need necessarily refuse to discuss supplementing the agreements which define how their rights of access should be exercised. Indeed there might be advantage in negotiating more precise agreements since the existing agreements are vague in many respects, especially as regards the movements of civil persons and goods. Moreover, to offer to renegotiate these agreements would counter the Soviet arguments referred to above. The principles upon which are founded the access agreements should not, however, be the subject of negotiation since this would jeopardise the whole basis of our position as regards the German problem. Since therefore we cannot conclude new agreements with the Soviet Government, we can only consider negotiating arrangements of a pragmatical nature which would be complementary to the existing arrangements.

#### United Nations

8. The Working Group has also considered the question of United Nations participation and has reached the broad conclusion that the Western Powers should try to settle the problem on a Four Powers basis and not on a United Nations basis. Although some of the

## RECOMMENDATIONS

1. "Phased Plan". The Western powers should present the following proposals (to become effective at an appropriate point during the second stage of our plan on reunification and security) on Berlin at the same time that they present their proposals for a general settlement of the German problem. The statement should propose:

either A (1) Berlin is one city and belongs to all of Germany. East and West Berlin should, therefore, be united through free elections held under UN supervision.

(11) Simultaneously a plebiscite, likewise under UN supervision, should be held to determine the wishes of the Berlin population as to whether foreign troops should remain in Berlin, and if so, troops of which country or countries.

(111) The GDR should remove its capital from Berlin so that the city may remain in trust as the destined capital of a reunited Germany to be achieved in Stage III.

(iv) During the interim period until Germany is reunited and a peace treaty is entered into the Four Powers should guarantee the continued presence of [such] foreign troops in Berlin [as may be approved under (11)] and free and unrestricted access to Berlin.

or B Pending the reunification of Germany within two and a half years as envisaged in the "Phased Plan" and the consequent restoration of Berlin as the capital of a reunified Germany the Four Powers should agree not to alter the existing arrangements regarding Berlin and access thereto. The three Western Powers would however be prepared to conclude separate arrangements with the Soviet Government in all fields where it was felt that tension should be eliminated. See, for example, paragraphs 5, 6 and 7 of Solution C below.

2. Interim Berlin solution in isolation. If the Soviet Government reject the "Phased plan" for a general settlement of the German problem and thus force the Western powers to negotiate an interim Berlin settlement, the Western powers should make the following proposals in the order indicated.

A. The Western powers should make a proposal relating to the whole of Berlin (West and East).

(a) They would propose free elections in both parts of Berlin under quadrupartite /United Nations/

/supervision...

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supervision and the formation of a freely elected Council for the whole of Berlin until German reunification was achieved and as a first step towards it. Thus Berlin would be retained as the future capital of a reunited Germany and East Berlin could no longer be the capital of the D.D.R.

- (b) The freedom and integrity of the united city of Berlin and access thereto would be guaranteed by the Four Powers who would continue to station troops in Berlin.
  - (c) Subject to the supreme authority of the Four Powers, (with Vienna type veto), the freely elected Berlin Council would be free to administer the city as it thought best.
- B. If A is rejected the Western powers should agree to the Soviet Government turning over the traffic control and check points on the access routes to D.D.R. personnel provided that in so doing the Soviet Government explicitly informs the Western Powers in writing that the D.D.R. is acting as agent for the Soviet Government.

In this connexion the Western powers should state that they would first wish /could say that they would be willing/ to negotiate an arrangement with the Soviet Government defining in precise terms the ways in which freedom of access to Berlin would be maintained. Such an arrangement would not, of course, replace existing agreements but be complementary to them. The arrangement would have to fulfil the general criterion of putting Western military and civil access to Berlin and also the movement of goods on a more satisfactory and explicit footing than at present. In particular it would have to fulfil the following criteria:

- (a) it would have to be quadripartite, i.e. signed by the Soviet Government and not by the "German Democratic Republic".
- (b) it would have to enable the three Western Powers to fulfil all their present obligations towards the people of West Berlin. This means that the agreement would have to include the following:-
  - (i) a precise definition of the rights of the Allied powers in so far as access to their troops in Berlin is concerned, together with a definition of the corresponding obligations of the Soviet Government which under the terms of the agreement might be exercised by a third party.
  - (ii) a precise definition of the obligations of the Soviet Government (which might similarly be exercised by a third party) in so far as movement of goods and civilians is concerned.
- (c) it would have to be explicitly stated that it would remain in force until Germany was reunified unless modified or replaced by further arrangements freely negotiated by all the four signatories.

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- (d) it would have to be registered with the United Nations.
- (e) existing procedures would continue in effect until the new arrangements had been negotiated.

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C. If B is rejected the Western powers should explore with the Soviet Government a solution along the following general lines:

The Western Powers would maintain:

- (a) that they consider that they have absolute and unqualified rights until Berlin is once more the capital of a reunified Germany. They have obligations towards the inhabitants of West Berlin. For this purpose Allied troops must remain in West Berlin and freedom of communications between West Berlin and the Federal Republic must be maintained in the same general conditions as hitherto;
- (b) that they continue to hold the Soviet Government responsible for the fulfilment of its obligations to the Three Powers in relation to their presence in Berlin and freedom of access thereto;
- (c) that since it is clear that no progress can be made on the juridical aspects of the problem they are prepared, while fully reserving their position as regards existing rights and obligations, to make an arrangement which would include the following elements:

either

- 1. The East German authorities would make a public declaration (not addressed to anyone in particular) that pending German reunification:
  - (a) They will not deviate from existing procedures (i.e. the procedures that were following during a specified period, such as April, 1959) regarding allied military traffic to Berlin.
  - (b) They will be governed by the Four Power Communiqué issued in Paris on June 20, 1949, in procedures relating to civilian traffic.
- 2. The Soviet Government would associate itself with this D.D.R. declaration.

or

- 1. The Soviet Government would state, by any means it thought appropriate, that pending German reunification:
  - (a) There would be no deviation from existing procedures (i.e. the procedures that were following during a specified period, such as April, 1959) regarding allied military traffic to Berlin.
  - (b) The Four Power Communiqué issued in Paris on June 20, 1949, would govern procedures relating to civilian traffic.
- 2. In this connexion the Soviet Government could utilise the procedure of a public declaration by the D.D.R. authorities on the two points mentioned above. This D.D.R. declaration could either be made to the Soviet Government or be addressed "to whom it may concern". The Soviet Government would associate itself with this D.D.R. declaration.

Note. This would be a public declaration.

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military access which were in effect during a specified period, thus identifying these procedures with considerable precision. Such declarations would make it more costly, in terms of world opinion, for the Soviet/D.D.R. authority to try to alter these access procedures. They would provide a clearer basis for the Three Powers to use force if this proved necessary. Since these declarations would be public statements of Soviet/D.D.R. intentions "to whom it may concern", and would not be formally accepted or acknowledged by the Three Powers, they would not constitute a contractual relation or otherwise affect our existing occupation rights. The association of the Soviet Government with the D.D.R. declaration would be consistent with our view that the Soviet Government remains responsible for fulfillment of these rights.

3. The Four Powers would/might make public declarations that they will not use or threaten force to overthrow existing arrangements regarding the government or administration of Berlin. Separate declarations would be made by the Federal Republic and by the East German authorities to the same effect
4. The Four Powers would conclude an agreement whereby a United Nations Special Representative and a limited number of United Nations observers would be established in Berlin in order to confirm that existing procedures were being maintained concerning free access to and from Berlin. They would also confirm that the undertakings in paragraph 3 above were being adhered to. The agreement concerning the Special Representative and his functions would be worked out directly between the Four Powers, not by the United Nations. The Four Powers would then request the Secretary-General of the United Nations to appoint a United Nations Special Representative to perform the limited and specific role called for in the Four Power agreement. The agreement would provide for United Nations observers to be stationed in both West and East Berlin (possibly including the Air Safety Centre), and at the access checkpoints, and would engage in patrols as needed along the surface routes of access. They could, if they wished, offer local assistance to the interested parties in any technical discussions as to whether the Declarations were being adhered to in specific instances. A special building could be provided in Berlin to house the United Nations personnel and to provide space for any meetings of United Nations subsidiary organs that might be held in Berlin and for any United Nations activities that might take place in Berlin.

Note. In connexion with this proposal, it should be noted that the United Nations would not be assuming any responsibility for the maintenance of the Western right of access and that the

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Three Powers would continue to hold the Soviet Government responsible for their rights and would approach the Soviet Government, not the United Nations, regarding any violation. UN personnel would not report to the Security Council or General Assembly but would operate directly with the parties concerned regarding any difficulties. Any reports from UN personnel would go ultimately to the Secretary General. It would create the possibility that UN observers might play a role in technical disputes as to whether existing access procedures were being observed in specific instances, which could make it possible to avoid or minimise Western dealings with East German authorities in such specific disputes. If we did not wish the UN observers to assume this role they would not do so, since this would be dependent on the desires of the interested parties. The UN observers would not play any role in arbitrating disputes or enforcing our rights; they would have no responsibility related to the government of Berlin or to the presence of allied forces in Berlin. Despatch of these observers would be by the UN Secretary General, acting on his authority and by request of the Four Powers; the UN General Assembly and/or Security Council need not be involved. UN personnel should preferably be from countries not directly interested in the Berlin problem.

French alternative proposal for paragraph C.4 above:

The Four Powers would conclude an agreement whereby a Four Power Conciliation Commission would ensure that the undertakings referred to above were being carried out. This Commission would, in particular, have the task of resolving any differences which might arise in connexion with the undertakings.

5. The following additional elements could be included in the arrangement:

- (a) Without involving or implying any limitation on the flow of refugees to West Berlin or from West Berlin to the Federal Republic, the United Nations [observers/organisation] could assume certain special responsibilities in respect of refugees in response to Soviet proposals or otherwise if the course of the negotiations makes this desirable. They could confirm, for example, that refugees could move freely from the D.D.R. to West Berlin that they abstained from improper activities in West Berlin refugee camps and that they were not exploited for intelligence and propaganda in the Berlin area.

- (b) Report on agreed matters about which there be friction, e.g. propaganda activities (6 below).

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6. The Four Powers could declare their intention not to engage in inflammatory propaganda activities in East or West Berlin. (See 5(b) above).
  7. The Three Powers could undertake, so long as the Declarations concerning free access and non-use of force within Berlin were being observed, not to station more than a given level of Western forces in West Berlin. (This level might possibly be very slightly below the present level of Western forces although this might have certain psychological disadvantages). The level would only become effective one year after the Declarations concerning free access and non-use of force within Berlin were made, in order to test Communist good faith in carrying out those Declarations. (The Soviet/D.D.R. authorities might give similar undertakings).
- D. If solution C is rejected, the Western powers should say that they intend to maintain their present rights in respect of Berlin and access thereto under existing agreements and trust that the Soviet Government will not attempt to interfere with the exercise of their rights.

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The greater part of the tactical questions which will arise at a conference can only be settled by Ministers at the conference itself and in the light of the negotiations as they develop. The Working Group therefore felt that its recommendations could be of a limited character only and that in many cases it could do no more than draw attention to issues which might have to be settled according to circumstances as they arose.

#### Possible outcome of the Conference

2. There seem to be the following possibilities:

- (a) complete disagreement;
- (b) failure to agree, but an exploration and identification of the disputed issues, which would be useful in the event of a possible Summit meeting;
- (c) agreement on some points but disagreement on others, which might be considered at a possible Summit meeting;
- (d) a measure of agreement (either on particular points or on general principles) sufficient to justify remitting further detailed negotiation to deputies;
- (e) complete agreement.

3. We need not assume that (a), i.e. complete disagreement, is inevitable. The Soviet Government may well assume that a breakdown would block the road to the Summit. Conversely, however, they may of course assume that the best way to get the Western Powers to the Summit is in a panic and under the threat of force. It will be an object of the Western Ministers at the conference to steer the Soviet Government into the former rather than the latter course.

4. (b) appears to be the most probable outcome.

5. (c) is a possibility, provided it is considered desirable to attempt to obtain a separate interim solution of the Berlin problem.

6. (d) can almost certainly be excluded.

7. (e) is impossible.

#### General Western objectives

8. (a) The objective of the Western Powers at the conference is serious negotiation leading to an agreement with the Soviet Government, even if such an agreement has as its only result to help to make the status quo livable for a period of years. The Western Powers would proceed on this basis in the belief that the only hope of an ultimate detente, real disarmament and German reunification lies in change and development in the Soviet Union, which depends not only on the domestic evolution of the system but also on the limits which are set to its indefinite

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expansion. In their exchanges with the Soviet Government at Geneva, the Western Powers should seek to envisage an area of negotiation within which the general Western position could be improved. That is to say, the Western Powers should so far as possible think, not in terms of concessions and "fall-back positions" but rather in terms of new positions from which they themselves would derive advantage as well as the Soviet Government.

- (b) If, as is probable, the objective set forth in the preceding paragraph is proved to be unattainable in the course of the conference, the Western Powers will adopt the more limited objective of disengaging from the conference in a way calculated to put them in the most favourable posture for securing the objective at a possible subsequent conference at the Summit.

#### Procedure at the Conference

9. The conference is likely to open on the general lines of the Geneva Conference of October, 1955. When the first exchanges have taken place, and when it has been ascertained whether the Soviet Government has any new proposals of its own, a determined effort should be made to divert the conference into a more secret and intimate course, compatible with serious negotiation (paragraph 8(a) above). This would involve inter alia small and private meetings.

#### Possible evolution of the Conference.

10. The Soviet Representative may introduce at once the question of the composition of the conference, insisting on the immediate seating of Polish and Czechoslovak representatives, referring to the Exchange of Notes and bringing up the question of German participation (see Annexes on these two subjects).

11. When the general discussion starts the Western Powers may:

- (a) table their proposals at the outset of the meeting; or
- (b) present these proposals in general terms; or
- (c) proceed to discuss the Soviet proposals, whether they are tabled or not.

12. By tabling their proposals or, at least, explaining them in general terms at the outset, the Western powers would avoid the disadvantages of being on the defensive and would be in a position to set forth their rationale, for the requirements for peace and stability in Europe. On the other hand, course (c) above would permit the Western Powers to expose the weak points in the Soviet argument and perhaps, to induce the Soviets at a later stage in the Conference to consider the reunification proposals of the Western Powers.

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13. The Western representatives must decide whether it will be best at this stage of the conference to have a discussion about Berlin separate from a discussion of the whole German problem and, if so, whether it will be best to begin with the general question or with Berlin. This is a point which can probably only be decided at the conference and in the light of the opening exchanges with the Soviet representatives. The argument in favour of beginning with the general question is:

- (a) the view of the Western Powers has long been that the right way to solve the Berlin question is to solve the German question as a whole, in which case the Berlin question is solved ipso-facto;
- (b) the public in some of the Western countries, having been led to suppose that a general Western plan would be urged, might find it difficult to understand why the first serious discussion was on the limited question of an interim solution for Berlin;
- (c) once discussion had turned on Berlin, the Western representatives might find it hard to revert to the general question.

The argument in favour of beginning with Berlin is:

- (a) it could be represented as a concession to the Soviet view-point, since the Soviet Government says that the Berlin question is ripe for discussion;
- (b) in practice it is the heart of the matter and the question on which some measure of agreement is least improbable;
- (c) it would preclude a deadlock before the Berlin question had been discussed;
- (d) since any Berlin modus vivendi must be an interim solution, the general question would still remain open.

14. When the Western plan is presented, the Western representatives should point out that the right solution of the Berlin problem is to settle the German question as a whole. The Western representatives should make it clear that their plan as an indissoluble package and must be considered in its entirety. They should call attention specially to the new elements in the plan and describe them as changes in the 1955 Western position designed to meet certain views expressed by the Soviet Government about German reunification and security. They should also express the view that it is an obligation on the Foreign Ministers at this meeting to take up the unfinished business of 1955 when they last met and that discussion of the Western comprehensive

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plan would advance progress towards implementing Point I of the 1955 Directive from the Heads of Government to the Foreign Ministers.

15. The Soviet Foreign Minister may reject the Western approach and refuse to discuss the comprehensive plan on the ground that it pertains to reunification which, he would say, is the exclusive concern of the two Germanies. In this case, the West should declare its intention to publish the text of the Western plan and to explain publicly that the Soviet Government refuses to discuss anything but its own proposals.

16. On the other hand, the Soviet representative, may not reject the Western plan out of hand. In turn, if he does not raise the question of composition at this point, he may propose the discussion of the Soviet Draft Peace Treaty, to be signed by the authorities of both parts of Germany. The Soviet aim would be to obtain Western acquiescence in the division of Germany and in the neutralisation of Germany. The Western Powers have accepted the principle of discussion of a peace treaty and must at least listen to Soviet views. But beyond that they are free to determine their course of action. The best line for them to take at this stage would be:

(a) a peace treaty can only be concluded with a reunified Germany - it must be negotiated, not imposed. Neither the Federal Republic nor the D.D.R. can commit a reunified Germany particularly as regards the political, military and territorial provisions of a Treaty.

(b) Moreover, elements in the Western plan, particularly certain security provisions, do in fact anticipate what might be subject to the position of an all-German Government, embodied in an eventual Treaty.

17. Whatever happens, it is unlikely that the discussion would lead to a meeting of minds on any significant problem. The Western representatives would then be faced with the following possibilities:-

(a) to consider further substantive discussions between the Foreign Ministers as useless;

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- (b) If the Soviet representative so proposes, to enter into a separate discussion of the Berlin Problem, by tabling the Western secondary proposals (see separate paper on Berlin).
- (c) to table something like the "proposal concerning a preliminary state of reunification" (supplementary paper No. 3 attached to the Paris report of the Working Group). This would provide for contacts on certain conditions between the two parts of Germany. Alternatively such a proposal could be held in reserve for a later conference.
- (d) to discuss the question of a German Peace Treaty on the basis of a more detailed Western statement of principles. It should be noted here that a question which the Western representatives can only decide in the course of the negotiations is at what stage (if at all) they would introduce such a statement of principles. It would be for the Federal Government to consider at this point whether if it has not already done so, it could explain its ideas on its future policy concerning its Eastern neighbours. It could, for instance, refer specifically to them in a statement of renunciation of the use of force.

18. In such a situation the Soviets might make subsidiary proposals, i.e. proposals not directly connected with Berlin. They might propose that:

(a) the phasing of the western comprehensive plan be extended. They might ask if the West were prepared to introduce a longer moratorium on German reunification;

(b) that the comprehensive plan be suspended at a point short of reunification.

(c) that discussions, either between Ministers or between Deputies, be initiated on a peace treaty, or the principles of a peace treaty, including (i) the eastern frontier of a reunified Germany; (ii) the political and military status of a reunified Germany.

19. Acceptance of (a) would involve an important departure from the present Western position. This is also true of (c). If the discussion on this latter point were limited to the principles of a Peace Treaty the deviation might be justified on tactical grounds. On the other hand, such discussion would give the Soviet representative an opening for introducing the idea of the neutralization of Germany on the lines of the Soviet proposals for a Peace Treaty. It would also involve the question of the participation in the discussion of representatives of both parts of Germany. Acceptance of (b) would clearly involve a surrender of the fundamental principle of the indissolubility of the package.

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## Publicising the Western plan

20. The Foreign Ministers should give special attention to the question of publicity. They should decide whether or not it would be to the West's advantage to set forth the main principles of the Western position in a communique following their April 29 meeting. In reaching this decision, the Foreign Ministers would presumably consider the following:

On the one hand

(a) The need for correcting the inevitable press speculation as to the Western position.

(b) The public appeal of the Western proposals, as finally developed:

On the other hand

(c) Their objective (which may however not be attainable) of serious unpublicised negotiations with the Soviets;

(d) The fact that, if the Western proposals were published before the conference, that would give the Soviet government an opportunity to dismiss and discredit them in advance.

21. Assuming that it is not decided to publish in advance of the conference, the decision when to publish the initial Western proposal should not be taken until the conference is actually under way and there has been an opportunity of testing the Soviet position. The Western Representatives would have at that point to decide whether:

(a) to publish their proposals in toto; or

(b) to publish a general statement about them (see draft declaration at Annex); or

(c) to publish a statement of the new elements in them over and above the 1955 Geneva proposals, e.g.

(i) the postponement of free elections;

(ii) the proposal for an all-German mixed committee;

(iii) certain proposals on security and disarmament.

22. In any such public presentation the Western Powers would make it plain that any unilateral Soviet action while negotiations were in progress would be regarded as an act of bad faith. If, for instance, the Soviet Government were to transfer to the D.D.R. their responsibilities with regard to allied access to Berlin, either by means of the signature of a separate Peace Treaty or in some other way, that would create a very serious situation. At the same time, it would be made clear that the Western Powers were both determined to defend their Berlin rights and willing to negotiate over certain aspects of the exercise of their rights.

## The formulation of an Agenda for the Summit Conference

23. Finally, the Western representatives will have at a given moment to take account of the question of a Summit Conference. There will be two problems:

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(a) what conditions the Western powers judge necessary for such a meeting;

(b) if such conditions were met, the agenda.

As regards the first question, it would be desirable that the meeting of the Foreign Ministers should have brought about the definition (or even merely an indication of the principles) of an interim Berlin solution. As regards the agenda, it should be understood that any Head of Government should have the right to raise for discussion any issues he considers relevant to the problems under discussion. Neither side should be able to foreclose discussion of proposals by the other which it might find objectionable. In this way Western Heads of Government would be able to submit proposals for German reunification and, if considered appropriate to express their views on the Eastern European situation.

24. The agenda for the Summit might be as follows:

(a) a European Peace programme including the settlement of questions relating to Germany and security in Europe; having regard to the decisions reached by the Foreign Ministers;

(b) disarmament and related measures;

(c) aid to under-developed countries;

(d) other topics.

25. If agreement was reached on an agenda formula such as the above, the Foreign Ministers could then discuss the place and date of a Summit meeting.

Liaison with Allies

26. At the Geneva Conference of 1955 each of the Western delegations designated certain of their members to keep in touch with their allies as the conference went on. This will again be necessary. The most important aspects of such liaison will be:

(a) with the North Atlantic Council. The best procedure will probably be for one of the Western Ministers to report on behalf of his colleagues to the Council in Paris at the moment or moments judged most opportune. In addition, a senior member of the NATO Secretariat might be designated to keep unobtrusively in touch with the Western delegations;

(b) with other friendly powers.

COMPOSITION  
(The Polish-Czech Participation Problem)

Soviet Position

1. The present Soviet position with regard to the participation of Poland and Czechoslovakia in the Foreign Ministers' conference of May 11 is that the question should be settled at the conference itself. It is likely that the Soviet Government will at an early stage in the conference insist on the participation of Poland and Czechoslovakia because of their "direct interest in the solution of questions relating to Germany as neighbours of the German states and the first victims of Hitlerite aggression".

2. While the Soviet aim may still be parity of representation at any international conference, their position on participation is now expressed in more reasonable terms than in the past. In the last year's correspondence and talks preparatory to a Summit conference, the Soviet Government took the position that the composition of a Heads of Government conference should be determined in accordance with the principle of parity.

3. In the current exchange of notes on Germany and Berlin the Soviet Government have taken the position (their March 2 note) that a Summit conference should be attended by such interested countries as Poland and Czechoslovakia as states that border on Germany and were the first victims of Hitlerite aggression. With regard to a Foreign Ministers' conference, the Soviet Government specifically stipulated in the March 2 note that the Foreign Ministers of Poland and Czechoslovakia as well as those of the Big Four should attend. That is, originally the Soviet Government insisted on parity of representation at the Foreign Ministers' meeting.

4. It is clear therefore that the Soviet public position on participation has changed substantially from that of last year with regard to a Summit conference. The Soviet Government have also adjusted their position on participation in a Foreign Ministers' conference since March 2. The present Soviet criteria with regard to participation appear to rest on geographic location and historical relationship to Nazi aggression.

Western Position

1. In their notes of March 26 the United States, United Kingdom and France took the position that the Foreign Ministers' meeting at the outset should involve only the Four Powers responsible for Germany. They recognized, however, that Poland and Czechoslovakia like a number of other countries have a legitimate and direct interest in certain matters which would be discussed at the conference and that the possibility of participation of other countries at a certain stage in negotiations could therefore be contemplated.

2. The United States, United Kingdom and France have agreed to support Italy's participation in the conference if participation should go beyond the original four Powers. Presumably, Western presentation of the Italian case would be in accordance with the following formula: If Poland and Czechoslovakia are admitted to

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the conference as full participants, Italy must be invited on the same basis; if Poland and Czechoslovakia are present at any stage as observers, Italy, if she wishes, should be invited to attend with the same status.

3. In dealing with the composition problem raised by Soviet insistence on Czech-Polish participation, the Western powers should be guided by the following considerations;

(a) The need for assuming a reasonable posture on composition and for avoiding Western responsibility for collapse of the negotiations on procedural grounds.

(b) The desirability of restricting participation, at least at the outset, to the Four Powers and, if this is not possible, confining participation to manageable proportions.

(c) Avoidance, in any case, of conceding the principle of parity.

(d) Honouring the Western commitment to Italy.

4. In line with these considerations, we should at the outset insist that the conference be limited to the Big Four in accordance with the principle of Four Power responsibility for the German question. We should, of course, be consistent with the position we have taken in our notes of March 26 and indicate our willingness to consider expansion of participation when certain aspects of the German problem - for example European security measures - are under discussion.

5. If the Soviet Government insist on the immediate seating of Poland and Czechoslovakia, we should take the position that if the conference is to be extended beyond the Four Powers then other countries would have just as valid a claim as Poland and Czechoslovakia. (We should be prepared to name such countries - e.g. Italy, Netherlands, Belgium - depending to some extent on guidance provided by discussions in the North Atlantic Council). We should point out, however, that broadening of the conference participation would reduce the chances of serious meaningful negotiations.

6. The Soviet Government would probably ignore this argument. If they insist that Poland and Czechoslovakia attend because they are neighbours of Germany and victims of Nazi aggression, we might consider pointing out that if those are the criteria for participation then at least four additional Western countries would be entitled to attend - i.e., the Netherlands, Denmark, Luxembourg and Belgium. This line of reasoning might have some effect. The Soviet Government might realize that adherence to their own criteria would mean not only an unwieldy conference but also a composition formula which would be more remote from their parity objective than a Big Four formula. Whether or not this would be the case, they would probably continue to press for Czech-Polish participation, although perhaps adjust their rationale to reflect their former demand for parity of representation. (At this point we should put forward for the record the traditional arguments against the parity concept).

7. We should take the position that if the Soviet Government insist on extending participation beyond the Four Powers, we must because of our obligations to our Western Allies insist on Italy's participation. We should probably indicate that to avoid complicating the work of the conference it would be more desirable for Poland and Czechoslovakia and Italy to attend initially as observers. If the Soviet Government, however, insist on full participation, we should agree.

8. While it is conceivable that the Soviet Government would settle for this formula, it is more likely that, in line with their Summit position of last year, they would insist on adding Roumania to offset Italy. The Western powers might meet this contingency by the following alternative courses of action, the first of which is considered preferable;

(a) We could express our view that there is no justification for the participation of Roumania over other countries and that the Soviet position in this regard means to us that the Soviets are interested only in numerical equality or what they call "parity". While we see no legal or rational justification for the principle of parity our primary interest is to get on with a substantive discussion of the Western comprehensive plan (which it is assumed will have been tabled by this time) and we are, therefore, prepared to accept Roumanian participation if this is agreeable to other countries concerned.

(b) We could counter the Soviet demand for Roumanian participation by insisting on representation of all countries having an equal or even more legitimate interest in the settlement of the German problem (i.e. at least all European countries which were at war with Nazi Germany). We should point out, however, that we fail to see how such an approach would be conducive to the sort of serious negotiations in which the Soviets themselves profess to be interested.

(c) We could suggest that if the Soviet Government are not prepared to accept a formula providing for full participation of Italy as well as Poland and Czechoslovakia, direct participation in the conference should be limited to the Big Four and all other countries which have a legitimate interest in the problems to be discussed would be invited to sit as observers.

9. Whatever formula is adopted, it should be made clear to the Soviet Government that this does not constitute a precedent for composition of a possible Summit meeting. Participation at such a meeting would depend on the problems to be considered and would be the subject of a separate negotiation.

(The Yugoslavs have made demarches in all four capitals with regard to their participation in any meeting involving more than the Big Four. It is not likely, in view of the current state of Soviet-Yugoslav relations, that the Soviets will press for Yugoslav participation. As far as the West is concerned, we see no real advantage to Yugoslav participation and we are under no compulsion to back their claim (as we are with Italy). We should, therefore, agree to the participation of Yugoslavia only if composition of the meeting is to include all European countries who have a legitimate and direct interest in European security or all countries formerly at war with Nazi Germany.)

GERMAN PARTICIPATIONBackground

1. The formula contained in the last Western note to the Soviet Government (March 26) reads:

"The United States Government also notes that the Soviet Government agrees with the proposal made in its note of February 16 that German advisers should be invited to the meeting on May 11 and be consulted."

2. This language suggests that, in contrast to the 1955 meeting, the West agrees that the German advisers will be physically present at the meetings of the Foreign Ministers, available to provide advice to each side.

3. There is some ground for supposing that the Soviet Government will not contest this method of handling the problem of German participation. To a question put to him by Ambassador Thompson on the occasion of the handing over of the Soviet note of March 2, asking how the Soviet Government envisaged the representation of East and West Germany, Gromyko replied that "in essence he thought there was no difference between our proposal and theirs". Buttrressing this view is the language used in the last Soviet note (March 30) which suggests that this question is agreed:

"As follows from the exchange of opinions which has taken place, the question about both German states - the German Democratic Republic and the Federal Republic of Germany - being represented at the conference of the Ministers of Foreign Affairs beginning May 11 can be considered agreed on."

4. Nevertheless, it should be noted that throughout the exchange of notes (including the note just cited) the Soviets have consistently used language emphasizing the necessity for the "representation" of the Federal Republic and the East German regime. It cannot be excluded therefore, (in order to extract some degree of recognition for the East German regime) that at the opening of the conference the Soviet Government will argue for a greater degree of participation by the two German contingents than the Western formula suggests. They might propose, for example, that the Germans present have the right to speak directly at the meetings, arguing that the nature of the agenda is such that questions like reunification and the contents of a peace treaty are largely if not exclusively matters for the governments of the two parts of Germany to deal with. They may also suggest at some point that the two German delegations be asked by the Foreign Ministers to consult together and propose solutions on reunification and, conceivably the contents of a peace treaty.

Western Position.

1. The problem raised by German participation is two-fold: First, it is important to the West to avoid, as far as possible, the enhancement of the status of the East German

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contingent, because of the nature of the regime which it represents. Second, it is important to avoid agreement to discussions between the two German contingents under the aegis of the Foreign Ministers until such substantial progress has been made by the Four Powers as to justify such discussions. Both of these questions raise, in addition to political problems, the possibility of damage to the legal position of the West as concerns its refusal to accord recognition of any kind to the East German regime.

2. The Soviet Government will undoubtedly insist on strict parity of treatment of the two German contingents. The West has, in effect, accepted this idea as appears from the exchange of notes.

3. The West, in any case, should oppose the accreditation of German delegations to the Conference.

#### Tactics

1. The Western Powers should counter any Soviet claim (should it arise) for full participation by representatives of both Germanies or for side discussions between them by pointing out that the basic legal responsibility for the solution of the matters before the conference rests with the Four Powers. This responsibility cannot be discharged except by agreement among the Four Powers on the questions left outstanding after World War II. The question of Berlin is not a problem for the two Germanies to solve, nor are the questions of reunification and a peace treaty.

2. It follows from this that the German participation should be limited to each side consulting with each German contingent in the course of the meetings.

3. While both delegations will be physically present at the meetings of the Foreign Ministers, in order to make the point that German participation is limited to the giving of advice to the delegations on each side, the Germans should not have a place directly at the conference table, but should be seated in a way which clearly indicates that they are not participants. As a general rule, their views should be taken into account only through the provision of advice to the direct participants. They could, however, on the basis of agreement among the Four Powers, be invited to speak on specific issues.

FRENCH DRAFT OF A WESTERN DECLARATION

Note: If the course outlined in paragraph 21(b) of the tactics paper should be adopted this paper would be further revised to take account of decisions on substantive issues in the "phased plan".

Since the Conferences which brought together the Heads of Government and the Ministers of Foreign Affairs of the Four Powers at Geneva in 1955 no progress has been made in the solution of the principal questions outstanding between the East and the West. The negotiations on disarmament have registered no real progress, and the question of control, which is indispensable, remains the most serious difficulty. In Europe the political problems are still unresolved. The division of the Continent persists; the peoples of Eastern Europe, as events in Hungary have shown, remain powerless to choose their fate; Germany continues to be deprived of its unity. In other parts of the world, grave crises continue to threaten the tranquillity of the peoples.

2. After the efforts made by them during the years 1956, 1957 and 1958 to resolve the crises which have shaken the world, in order to advance the cause of disarmament and to ensure the renewal of negotiations on the principal outstanding problems, France, the United Kingdom and the United States have resolved to make a new endeavour in order to escape from the present impasse. Although they consider their previous proposals reasonable, they are ready to present new features of them.

3. The Three Powers have noted that the Soviet Union continues to formulate two series of objections to their theses. The Soviet Union, while declaring that the reunification of Germany depends only on the Germans, is little disposed to accept an immediate consultation of the German people. On the other hand, it considers that, before the solution of this essential problem, certain security measures should be put into force in Central and Eastern Europe.

4. Taking account of these views, the Three Powers believe it possible to envisage a new plan under which the reunification of Germany could take place not only in the framework of a system of European security but also by stages. In particular, the plan would provide that the reunification of Germany would not begin at once with free elections, but that these would be preceded by a preparatory period. During this period a Mixed Committee for the whole of Germany would be set up. This Committee would be authorised to make proposals with the object of facilitating contacts and freedom of movement between the two parts of Germany. It would likewise be charged with preparing and proposing an electoral law which would allow for the constitution of a National Assembly for the whole of Germany by free elections.

5. On the other hand, this preparatory period would be utilized to establish the first bases of a system of European security. At the end of the initial phase, that is to say at the end of the present conference, the Four Powers would enter into formal undertakings not to have recourse to force and to refuse help to any aggressor. At the same time, they would establish a Commission of consultation and conciliation. Finally, they would jointly suggest to the United Nations a resumption of negotiations on general disarmament, in conditions to be agreed upon.

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6. Then, during the preparatory period, precise and concrete measures would be taken in the field of European Security. Those could be envisaged as follows: the extension to other countries of the prohibitions already assumed by the Federal Republic of Germany against the manufacture of atomic, biological and chemical weapons of mass destruction, measures against surprise attack, exchange of information on armed forces and the working out of a system of inspection which could enter into force at the time of the next phase. At the end of this preparatory period free elections would take place, a National Assembly would be constituted, and a Government for the whole of Germany would be formed. At the same time, new security measures would enter into force. These would relate in particular to the fixing of ceilings on the armed forces, foreign as well as national, stationed in certain parts of Europe, involving an appropriate inspection system.

7. It is on these bases, which provide in advance the principal clauses of a settlement of the problems arising from the last war that the remaining provisions for the settlement of a final peace could be negotiated.

8. In the intermediary period, and in order to take account of certain views expressed by the Soviet Government, the Three Powers would likewise be disposed to consider adding to the agreements already negotiated provisions which would make it possible, while respecting existing rights, to avoid all complications over Berlin.

9. Such are the broad lines of the plan which the Western Powers present to the Soviet Union for examination.

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STATEMENT TO THE NORTH ATLANTIC COUNCIL

INTRODUCTORY

As was made clear in the statement of the four Foreign Ministers to the Council of April 2, the Working Group were instructed to prepare as far as possible an agreed position and tactical plan for negotiations with the U.S.S.R. for the consideration of the four Foreign Ministers at their next meeting on April 29. In their work they have also had the advantage of the useful paper produced by the N.A.T.O. Secretariat under the heading "Digest of Observations Relating to Negotiations with the U.S.S.R.".

2. Accordingly, the Group have drawn up a phased plan for German reunification, European security and disarmament. This plan is conceived as a whole. That is to say, it is an indissoluble package. If the Soviet Government were to suggest that certain elements in this package should be extracted and turned into a separate agreement or if they were to suggest that the process involved in the plan should be suspended at a certain point, the Western Powers would refuse, explaining that the general principle of the entire process would have to be accepted before the process could begin.

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### GERMAN REUNIFICATION

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3. As regards the method of reunification, the Working Group has proceeded on the following assumptions:

(a) the West should make new and more realistic proposals to the Soviet Union than those which were put forward at the Geneva Conference of 1955;

(b) such proposals might be rejected by the Soviet Union but even so they should be calculated to appeal to public opinion both in the Western and in the uncommitted countries.

4. In formulating such proposals, the Working Group has kept in mind the demands of the Soviet Government. So far as reunification is concerned, the Soviet position has been this:

(a) reunification is a matter for the Germans themselves;

(b) it should be brought about by a rapprochement and negotiations between the two German States;

(c) the "D.D.R." should not be out-voted, and negotiations should therefore take place only on the basis of parity; free elections are to be rejected, at least until the very end of the reunification process;

(d) the "social achievements" (meaning Communism) of the "D.D.R." should be preserved.

5. As against the Soviet position, the fundamental Western principles for reunification are these:

(a) Four Power responsibility, as admitted by the Soviet Union in the directive agreed at the Geneva Summit Conference of 1955;

(b) non-recognition of the "D.D.R.";

(c) the necessity for holding free elections at some stage in the process of German reunification in order to obtain an all-German Government representing the German people as a whole.

6. The Working Group believe that it is possible to go some way to meet the Soviet principles without abandoning the Western principles just enumerated. Provided these principles /are accepted,

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are accepted, the Working Group consider that the following concessions could be made:

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(a) a greater degree of German participation in the process;

(b) a mixed German Committee, including delegates both from the Federal Republic and the "D.D.R." might be set up at an early stage in the reunification process without any recognition of the "D.D.R." as a State;

(c) such a Mixed Committee would operate during the transitional period before all-German elections. The terms of reference of the Committee would be to make proposals for the improvement of technical contacts and freedom of movement between the two parts of Germany and possibly in connexion with human rights. Further, the Committee would prepare a draft law for free all-German elections. In the event of the Committee failing to agree on such a draft law, there would be provision for different drafts to be submitted to the German population in a plebiscite. The Committee should be constituted so that the "D.D.R." representatives could not be out-voted, although the "D.D.R." would not of course be represented on the principle of parity;

(d) at the end of the transitional period there would be free all-German elections.

7. Once free elections had been held for an all-German National Assembly, the rest of the process would develop on the general lines set out in the proposals made at the Geneva Conference of 1955.

8. The Western proposals about reunification mark a fundamental change in our ideas. They create, in effect, an intermediate stage during which important concessions are made to the Soviet theses. If this intermediate stage were to be prolonged, in fact, there would be a risk that the Russians would gain their end. It therefore seems impossible to discuss these proposals if the Soviets refuse to accept the principle of free elections, a principle which is in any case difficult for them to reject completely. But the introduction of the intermediate stage should greatly help them to accept the principle. This answers the question posed by the Secretary-General of N.A.T.O. at the Washington meeting.

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SECURITY MEASURES IN EUROPE AND DISARMAMENT

9. As indicated in the report of the four Foreign Ministers of April 2, the Working Group have studied how progress in the security field could be linked to, and proceed in step with, progress towards, the reunification of Germany.

10. In the phased plan for German reunification, the first step would be declaratory, the second stage would precede reunification and the third stage would follow reunification.

11. Proceeding from the above, and relating proposals about European security to the phases proposed for German reunification, the Working Group envisage that Stage I should be mainly declaratory. Thus, in a common declaration, to which they could invite other interested European states to associate themselves, the Four Powers could undertake to:-

- (a) settle by peaceful means any international dispute in which they might be involved with any other party;
- (b) refrain from the use of force in any manner inconsistent with the purposes of the Charter of the United Nations;
- (c) withhold assistance to an aggressor.

12. The difference between Stage II and Stage III is that in Stage III, that is to say the stage when German reunification would be accomplished, the objections to an area of limitation of forces in Europe would have been greatly lessened. Accordingly, it is considered that Stage II would be the appropriate time at which to work out the controls and inspection procedures which would become operative in Stage III. Furthermore, the Four Powers might undertake at this stage to exchange information about military forces in an European area to be determined. It is also thought that some measures against surprise attack could be appropriately undertaken in Stage II. Such measures would have to be accompanied by a provision for inspection.

13. The question of measures against surprise attack is a difficult one and final proposals which could be put to the Soviet Government are still under discussion. The principles which have to be harmonized are these:-

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- (a) militarily restricted zones of measures against surprise attack are of little or no value. At a time when missiles can be shot for thousands of miles, it may be doubted whether anything very much short of a global system has military significance;
  - (b) therefore the question has to be considered in a political light. But, insofar as proposals of this kind may be attractive to the Soviet Government, this may well be because the Soviet Government judge that such proposals present them with an opportunity to press for the development of zones of inspection against surprise attack into zones of a different character. The danger which has to be guarded against is that zones of inspection against surprise attack might develop into zones of limitation, which could not be accepted at any rate in the period prior to German reunification. As the Secretariat's paper says, it is necessary to beware against creating a false impression of security;
  - (c) In this connexion a further concern of the Working Group has been to consider the possibility of some proposal at this stage of the plan which would have not only an appeal to public opinion in general but which would have the particular effect of giving the Western Powers something positive to propose.

14. As regards Stage III, the Stage after the achievement of German reunification, the Working Group consider that agreed force ceilings could then be established. Of course something of this kind would be facilitated by a measure of progress on general disarmament. Furthermore, an undertaking could be

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given that, after the conclusion of a German Peace Treaty, no party should station forces in any country in the agreed area without the consent of the country involved. Upon the request of that country, the parties to the agreement would undertake to withdraw their forces within a stated period.

15. Should the all-German Government decide to adhere to any collective security pact - should they, for instance, decide to join N.A.T.O. - the Four Powers could undertake to join with the other parties to the European security arrangements in giving an assurance that they would not advance their forces beyond the former line of demarcation between the two parts of Germany.

16. As stated in the report of the four Foreign Ministers of April 2, the Working Group was also instructed to study the question of the connexion to be established between general disarmament and proposals for the reunification of Germany. On the one hand, as stated above, progress in the field of general disarmament could facilitate progress in the field of German reunification and European security. Conversely, political progress could facilitate progress with general disarmament. The problem remains under study.

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GERMAN PEACE TREATY

17. The Western Powers have undertaken to discuss at Geneva the German question including Berlin and a German Peace Treaty. Although they consider discussion of a German Peace Treaty premature, since such a Peace Treaty can in their view only be concluded with an all-German Government, they cannot themselves refuse discussion altogether, even if all they do is listen to the Soviet proposals. In some respects it may be said that the essentials of a German Peace Treaty already exist, in so far as the Security proposals which the Western Powers would advance at the Conference could appropriately be embodied in such a Treaty. Indeed, it has been suggested that a Peace Treaty is superfluous. However, the insistence of the Soviet Union on a Peace Treaty and the terms of the Western Notes of March 26 make it difficult for the Western Powers to avoid discussion.

18. In the circumstances, the question arises how far the Western Powers should go in discussion, bearing always in mind that they must reserve the position of an all-German Government. This is a tactical question which it will probably be possible only to resolve in the course of negotiation at the Conference. The Working Group consider that it will be prudent for the Western Powers to have available the principles of a Peace Treaty which they can table at the Conference if that proves necessary. Their present view is that it would probably be a mistake for the Western Powers to go further than this and to table the draft of a Peace Treaty.

19. Should negotiation of a Peace Treaty become a serious possibility, it will of course be necessary to consult other interested countries, including, at the appropriate stage after the formation of an All-German Government, all the states which were at war with Germany.

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BERLIN

20. The Working Group is in agreement with the views expressed about Berlin in the Secretariat's paper. These views are reflected in the plans which the Working Group have made for dealing with this question in the forthcoming negotiations. The Council will however understand that the question of the moment at which any particular set of proposals should be put to the Russians is essentially one of tactics and therefore not an appropriate subject for elaboration now.

21. As regards the position to be adopted at the Foreign Ministers' Conference, the Working Group considers that reference to Berlin should be made in conjunction with the "phased plan". There is some danger in including proposals regarding Berlin in the phased plan itself because, if the plan is rejected as a whole and an interim Berlin solution has to be negotiated separately, the Soviet Government may conclude that items other than Berlin can also be extracted from the "package" for separate consideration. It might therefore be possible to suggest that, since the "phased plan" envisages the reunification of Germany in less than three years and the consequent restoration of Berlin as the capital of a reunified Germany, the Four Powers should simply agree that during this interim period they will not alter the existing arrangements regarding Berlin and access thereto. The Working Group considers, however, that the Western Powers ought, if possible, to go further than this and make some positive proposals which would be regarded as constructive by public opinion. In this connexion the Working Group have considered the possibility of proposing an all-Berlin solution and, alternatively, the possibility of offering the Russians some satisfaction regarding specific points about which they have complained.

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## TACTICS

22. The Council will understand why it is impossible to elaborate in any detail a tactical plan for the conduct of the negotiations. The main reason is that most of the tactical questions which will arise at a conference can only be settled by the Western Foreign Ministers during the Conference itself and in the light of the negotiations as they develop. On the other hand, the Working Group believe that the Council should be aware in general terms of some of the tactical problems which will have to be faced and the considerations which the Working Group believe must be borne in mind.

23. One problem which will probably arise at the outset of a conference is that of its composition. The Working Group consider that the Western representatives should be guided by the following considerations:

- (a) the desirability of maintaining the basis of Four Power responsibility on German questions;
- (b) the undesirability of ceding to the Soviet Government the principle of parity;
- (c) the need to ensure that the negotiations do not break down on procedural grounds.

24. When this question is settled, the primary objective of the Western representatives will be a serious negotiation leading to an agreement with the Soviet Government which will avert the immediate threat to Berlin without jeopardizing the essential principles of Western policy. The Soviet Government will certainly propose discussion of the problems of Berlin and a Peace Treaty on the grounds that these problems are "ripe for solution". The Western Powers will thus be faced with a number of serious tactical questions. They will have to decide whether to hear the Soviet arguments first and then refute them or whether to put forward the Western comprehensive plan in order to take the offensive. They must also determine whether and at what stage it would be advantageous to engage in a separate discussion of an interim solution for Berlin, without prejudicing their fundamental position that a permanent solution of the Berlin problem can only be achieved by an all-German settlement.

25. In general, the Working Group accept the argument that, in seeking to achieve a serious negotiation, the Western representatives should think, not so much in terms of concessions and "fall-back positions", as in terms of an area of negotiation in which they may hope to improve their position. While it would be a mistake to be optimistic about the outcome of the Conference, it would be equally wrong to assume that it is foredoomed to failure. Although Khrushchev has indicated that major decisions can be taken only by Heads of Government at a Summit Conference, he can scarcely believe that a complete failure of the Foreign Ministers' Conference as a result of Soviet intransigence will improve the prospects of a subsequent Summit meeting.

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UNITED STATES DELEGATION  
TO THE  
FOUR POWER WORKING GROUP  
London, England, April 13, 1959

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